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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/031,817	04/26/2002	Helmut Gross	QUE04 P-309	8141

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EXAMINER

ALIE, GHASSEM

ART UNIT PAPER NUMBER

3724

DATE MAILED: 06/23/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/031,817

Applicant(s)

GROSS ET AL.

Examiner

Ghassem Alie

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 15-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 April 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_
- ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other:

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show views of the whole top surface of the storage plate and the whole top surface of the main plate including the arrangement of the cylinder arm with the adjustable limiting element, the adjustable stop, the movable slide-in unit, and the adjustable hold-down on those surfaces as described in the specification. The drawings also are objected because they fail to show a view of the sheet materials which are being punched and the position of the adjustable limiting element, the adjustable stop, the moveable slide-in unit, and the adjustable hold-down during, before, and after a punching operation. MPEP § 608.02(d).

A proposed drawing correction or corrected drawings are required in reply to the office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Specification*

2. A substitute specification excluding the claims is required pursuant to 37 CFR 1.125(a) because of the many changes without presenting them in a unified manner renders the specification difficult to follow and confusing. A substitute specification filed under 37 CFR 1.125(a) must only contain subject matter from the original specification and any previously entered amendment under 37 CFR 1.121. If the substitute specification contains additional subject matter not of record, the substitute specification must be filed under 37 CFR 1.125(b) and must be accompanied by: 1) a statement that the substitute specification contains no new matter; and 2) a marked-up copy showing the amendments to be made via

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the substitute specification relative to the specification at the time the substitute specification is filed.

3. The specification is objected to under 37 CFR 1.71 for not disclosing how the adjustable limiting element, an adjusting stop, the movable slide-in unit and the adjustable hold-down are positioned in relation with the movable ram before and after the punching operations. It is also not clear from the specification how the fingers of the adjustable limiting element and the slide-in unit are arranged inside the grooves of the ram and how the ram is able to actuate when it's grooves are engaged with the fingers. It is also not clear from the specification how the adjustable hold-down is able to limit the upward movement of the stack when the cylinder arm is in full control of upward movement of the stack by pressing the stack into the die-cutter blade.

*Claim Rejections - 35 USC § 112*

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 15-28 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which is not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Regarding claim 15, the specification fails to teach how the ram is able to actuate and press the sheet materials into the die cutter blade when the sheet materials are engaged with the fingers of the adjustable limiting element and the slide-in unit. The disclosure also fails to teach how the adjustable limiting element, the adjustable stop, the movable slide-in

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unit, and adjustable hold-down are arranged in relation with the ram during, before, and after the punching operations. The specification also fails to teach how the adjustable hold-down is be able to limit the upward movement of the stack when the cylinder arm is in full control of upward movement of the stack by pressing the stack into the die-cutter blade.

The lack of understanding appears to be exasperated by the drawings, which fail to show views of the surfaces of the storage plate and the main plate including the arrangement of the features noted in paragraph 1, above, on those surfaces. Insofar as the entire invention is affected by the disclosure all claims are being included in this rejection.

*Comment*

6. It is noted that claims 15-28 have not been rejected over prior art. However, in view of the issues under 35 U.S.C. 112 and 37 CFR 1.25(a) and 37 CFR 1.71 the allowability of claims 5 and 8 cannot be commented at this time.

*Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Blumer (5,183,247), Macchinot (3,741,057), Brestel et al. (3,290,977) and (3,468,200), Wegener (6,324,951), Neumann et al. (5,460,479), Jenkner (4,911,281), Long et al. (6,389,940), Schneider (3,546,990), Noell (2,495,659) and (2,483,735), Donnerberg et al. (2,220,056), Molison (6,055,896), Busch (3,479,914), Busch (De 40 13 071 A1), Bruehwiler (5,768,963), Lingaraju et al. (4,698,894), Ducate (3,881,343), and Fellner (4,187,713).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (703) 305-4981.

The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on (703) 305-1082. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9302 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

GA/ga

June 11, 2003

  
Allan N. Shoap  
Supervisory Patent Examiner  
Group 3700